

F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Allowable Subject Matter

3. The following is a statement of reasons for the indication of allowable subject matter: The game Phantom Haus, and the Patents to Lemay et al. and Baerlocher et al. all disclose a casino game of chance, slot machine, having a game surface and a playing path on the game surface. A movable indicia moves on the path from a start position to an end position according to chance. None of the cited references alone or in combination teach the claimed "a plurality of paths on the game surface arranged for player selection of one path" and "a random frequency of a bonus game to the probability of landing on each position and to a value of each position so that an expected value of each of the paths is approximately identical for a house advantage is in a predetermined range".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (703) 308-1815. The examiner can normally be reached on Monday-Friday, 1st Friday Off.